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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,482	05/17/2005	Olexandr Ivanovich Kyrychenko	SWIN 3244	3941
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SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			EXAMINER HARPER, TRAMAR YONG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/535,482

Applicant(s)KYRYCHENKO, OLEXANDR
IVANOVICH**Examiner**

TRAMAR HARPER

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendments/arguments filed 05/19/08. The arguments set forth are addressed herein below. Claims 4-6 remain pending, Claims 1-3 have been canceled, and Claims 4-6 are newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea (US 5,707,287) in view Uhland (US 4,531,187) if further view Fujimoto (US 2003/0064774) in further view Order (US 5,941,769).

Claim 4: McCrea discloses a gaming table comprising a plurality of devices capable of monitoring a game of "Black Jack" at a casino table. The gaming table comprises a bet region, a dealer card region, player card regions, and a display. As each player place a bet the bet is sensed and identified by sensors linked to a game controller and the game controller stores the bet amount for each player position in memory (player bet recognition and registration). After bets are placed such, the dealer deals the cards and each card as it is dealt by the dealer is automatically identified and stored so that each hand of each player and the dealer is known. McCrea discloses a dealer shoe that comprises a card reader to read an imprint code on the card as it passes through the

shoe. The shoe transmits the identity including the value of the card to the game control of the table. The game controller fully records the identity of each card to maintain a history of each hand and/or game. McCrea discloses that rather than an imprint code and imprint optical image can be obtained by the shoe and transmitted to the game controller of the table. The game control uses software to determine the value of the card based on the image (drawn card recognition and registration). Furthermore, the table comprises a shuffler or combination shuffler/shoe wherein cards are returned and identified to the shuffler and the identified cards are compared to determine if the same cards dealt are the same cards returned to the shuffler. If a discrepancy occurs an alarm is sounded. McCrea discloses that each card-receiving area has a plurality of sensors and as each playing card is dealt and placed on the card-receiving areas the sensors detect the cards and the game controller records the event e.g. the game controller maintains a record of the delivery of a card to a particular player position according to the rules of play of "Black Jack" e.g. a system programmed with the gaming rules. In the event that a card is delivered to the wrong player position an alarm signal is triggered. The sensors add optional security, and helps prevent things such as unauthorized interchanging of cards, particularly preventing a player or dealer from withholding cards or from substituting cards. Furthermore, the betting areas comprise a plurality of sensors for detecting the presence and values of tokens/chips and the game controller records the wagers of each player (wager recognition and registration). In essence, the game controller maintains/monitors all the gaming events

as they occur in real time in an attempt to prevent errors, cheating, etc (Col. 4:15-49, Col. 6:27-28, 41-44, Col. 7:10-Col. 8:55, Col. 9:35-50, Col. 10:7-9).

McCrea excludes an optical electronic device located above the gaming table for processing images of objects on the gaming table comprising a playing cards face up value imprint recognition and registration unit wherein the data of the face up cards and the face down cards are compared via a face up and face down comparison unit. As disclosed above, McCrea identifies the face down cards as they leave the shoe and as they are returned to the shoe and furthermore senses and makes sure that the proper cards are dealt to the right players e.g. right card holder places. This provides added security by preventing things such as unauthorized interchanging of cards particularly preventing a player or dealer from withholding cards or from substituting cards (see above). Uhland discloses a system for a "Black Jack" table that comprises a video monitor means for generating a digital representation of the bets made by the players and of the cards dealt to the players and the dealer so that an output can be generated indicating whether the correct payouts are made and bets collected. An alarm signal is generated when an error occurs. The system includes optically monitoring the cards played and chips bet and converting the images into a numeric representation of the cards and chips of each player and of the dealer's cards. Based on said data the system calculates the outcome of each hand. The system determines whether the dealer has made the correct payout, collects the correct amount, and keeps running totals of the play. Each table has its own gaming computer. Each table has its own video camera and scanner above the table to look directly down at the face up cards

and chips. The camera and scanner are linked to a bet recognition unit and card recognition unit which observes objects on the gaming table and sends data to the table computer. **The table computer stores and tracks the bets and cards of each individual player and frequently compares previously stored card data of a particular player with current card data to determine any discrepancies and if necessary an alarm is raised** (Col. 3:11-Col. 4:55, Col. 5:1-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of McCrea with the card registration and recognition system of Uhland to provide a more secure "Black Jack" system so as to check the face up cards to the dealt cards, when taking into account that McCrea already checks the dealt cards with return cards and senses the positions of cards for security purposes. Such a modification provides added security and prevents dealer mistakes (Uhland Col. 1:23-27) e.g. the more error free the monitoring system the more accurate the system will be. However to add to the motivation to combine the above references, Fujimoto **discloses comparing the card data recorded of cards leaving the dealer shoe with card data recorded at the actual card distribution areas including the dealer's card area, wherein if there is a discrepancy an alarm is activated indicating to the dealer and/or casino of an inconsistency such as card being missing or replaced** (§ 34, 47, 56). Fujimoto discloses that such a system prevents wrong acts and calculation errors (§ 7). Therefore, at least in the above regards it would have been obvious to one of ordinary skill at the time the invention was made to have modified the face down recognition means of McCrea such that it is compared to the face up card

recognition means of Uhland to provide a more error free system as taught by Fujimoto. Such a modification provides a more accurate monitoring system wherein casino personal can monitor games more accurately in real time.

McCrea in view of Uhland in further view of Fujimoto excludes a visualization device of the data processed by the game controller showing the game run. McCrea discloses that the gaming table and/or system may comprise a display (see above). Order discloses a gaming apparatus/table that will automatically register and evaluate all phases of the run of the game automatically. Order discloses optical sensors/readers within the shoe for recognizing the value of each drawn card, sensors for recognition of each bet by a particular person, a game controller/computer programmed with the gaming rules of "Black Jack" to evaluate and store all data transmitted from the above devices to the computer, and a monitor to display the run of the game and the players' wins (Abstract). The table comprises a table cloth with a game layout indicating betting areas, insurance fields, card position areas, etc. The monitor is used to display evaluating data by the computer to the dealer and to provide signals to the dealer of any mistake made or wrongly dealt cards, etc. The monitor is used to recall a run of the game at a later time whenever requested (Col. 3:17-21, 43-45, Col. 5:27-29, and Col. 12:12-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gaming system of McCrea in view of Uhland in further view of Fujimoto with the display of Order to provide a means to automatically and visually determine the run of the game. Such a modification makes it easier for the dealer to conduct the game and prevents mistakes

and provides a means wherein the staff or casino can recall the run of the game to evaluate the dealer's performance, player's performance, rounds, etc.

Claim 5: McCrea in view of Uhland in further view of Fujimoto in further view of Order discloses a shoe comprising an imprint recognition and registration unit of face down cards that consists of an optical electronic device and image converter equipped with an object glass and processor (McCrea Col. 7:29-66; Uhland Col. 3:11-Col. 4:55, Col. 5:1-42; Order Col. 4:14-56, Col. 8:41-48). In regards to card discrepancies and alarms see above.

Claim 6: McCrea in view of Uhland in further view of Fujimoto in further view of Order discloses a monitoring system with different components that monitors objects at different inclination angles to the horizontal surface. For example, McCrea discloses monitoring cards from the card shoe and at the actual table which is at a first inclination of the table considering it is on the table. Uhland discloses detecting cards and bets from above the gaming table which is another inclination angle. The above references to detect/compare cards must contain some type of order or sequence and/or synchronization of data respective of the monitoring components in order for the game table controller to store, evaluate, and determine/display game results and errors as the game progresses whether its compares cards as they leave and enter the card shoe (McCrea), as cards are continuously placed on card distribution areas (Uhland), or the combination of both (Fujimoto)(see above).

McCrea in view of Uhland in further view of Fujimoto in further view of Order excludes a system containing two or more monitoring systems of the game run having a

playing card face up value imprint recognition and registration unit at different inclination angles to the horizontal surface. Uhland discloses that in normal "Black Jack" circumstances that the chips and the card values are directly observable from above, so that a single camera is adequate to monitor the play (Col. 3:46-50). Uhland furthermore discloses that wherein cards can temporarily (due to the fact that casino rules prohibit players from touching the cards) be obscured from the camera's view and the like, and accordingly frequently refreshing the input with respect to the cards dealt would be desirable e.g. increasing the scan rate (Col. 5:16-23). However, applicant fails to disclose that having two or more monitoring systems of the game run having a playing card face up value imprint recognition and registration unit at different inclination angles to the horizontal surface solves any stated problem, provides an advantage, or is for any particular purpose. Furthermore, Applicant discloses that equipment **may** contain two or more monitoring systems, which is an indication of optional or a matter of design. Moreover, the monitoring system of McCrea in view of Uhland in further view of Fujimoto in further view of Order, or applicant's invention, would perform the same function of providing a monitoring system for recognizing and registering face up cards of a gaming table, regardless of whether there is one or more monitoring systems. Therefore, it would have been prima facie obvious to modify McCrea in view of Uhland in further view of Fujimoto in further view of Order to obtain the invention as specified in claim 6 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of McCrea in view of Uhland in further view of Fujimoto in further view of Order.

Response to Arguments

Applicant's arguments with respect to claims 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Romero (US 6,293,864) teaches the use of CCD-cameras to detect/determine the value of face up cards at the gaming table.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

TH

08/18/08